

AN ORDINANCE **98639**

**ADOPTING VARIOUS AMENDMENTS AND REVISIONS
TO THE LOBBYING PROVISIONS OF THE CITY OF
SAN ANTONIO ETHICS CODE AS PROPOSED BY THE
MAYOR'S COMMITTEE ON INTEGRITY AND TRUST IN
LOCAL GOVERNMENT AND THE CITY OF SAN
ANTONIO ETHICS REVIEW BOARD.**

(Amends Ordinance No. 88874, November 19, 1998)

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WHEREAS, the City Council passed and approved Ordinance Number 88874 on November 19, 1998, adopting a new Code of Ethics establishing standards of conduct for present and former city officials and employees, persons doing business with the City, and lobbyists;

WHEREAS, the City Council amended Ordinance No. 88874 by passing and approving Ordinance 90313 on August 19, 1999; and

WHEREAS, the City Council again amended Ordinance No. 88874 by passing and approving Ordinance 93998, on May 24, 2001; and

WHEREAS, on October 23, 2003, Mayor Edward D. Garza appointed the Mayor's Committee on Integrity and Trust in Local Government to review and make recommendations to strengthen the City's Ethics Code; and

WHEREAS, on January 29, 2003, the Mayor's Committee on Integrity and Trust in Local Government issued a report setting forth its recommendations regarding the City's Ethics Code;

WHEREAS, on May 29, 2003, the City Council passed and approved Ordinance No. 97711 to amend Ordinance No. 88874, to adopt several revisions proposed by the Mayor's Integrity Committee and the City's Ethics Review Board;

WHEREAS, the City Council has now further reviewed the recommendations of the Mayor's Integrity Committee and the Ethics Review Board regarding their proposed revisions to the lobbying regulations of the Ethics Code; **NOW THEREFORE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. By this Ordinance, the City Council amends the City's Ethics Code as follows:

SECTION 2. Part E, Section 1(j) of the Ethics Code is amended as follows:

Municipal question means a public policy issue of a discretionary nature pending or impending before city council or any board or commission, including, but not limited to, proposed action, or proposals for action, in the form of ordinances, resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts.
{paragraph break added}

The term "municipal question" does not include the day-to-day application, administration, or execution of existing city programs, ~~and policies, ordinances, resolutions, or practices, including matters that may be approved administratively without consideration by a board, a commission, or the City Council, such as permitting, platting, and zoning matters (other than the amendment, modification or revision of the City of San Antonio Unified Development Code).~~ The term "municipal question" does include all discretionary matters before the Board of Adjustment, the Planning Commission and the Zoning Commission and all advisory committees and subcommittees thereof.

SECTION 3. Part E, Section 1(c) is amended as follows:

Compensation means money or any other thing of value that is received, or is to be received, in return for or in connection with lobbying services rendered, or to be rendered, including reimbursement of expenses incurred in lobbying. "Compensation" for professional services that do not primarily require contact or advocacy with public officials does not constitute "compensation in connection with lobbying services" for purposes of this section, if contact with public officials is incidental to the primary purpose of the employment.

Compensation does not include a payment made to any individual regularly employed by a person if **{block paragraph added}**

- (1) the payment ordinarily would be made regardless of whether the individual engaged in lobbying activities; and
- (2) lobbying activities are not part of the individual's regular responsibilities to the person making the payment.